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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,016	03/06/2001	Jeffrey A. Livesay	Wellogix-002:CIP	1305
21897 THE MATTHE	7590 02/18/201 EWS FIRM	EXAMINER		
2000 BERING	·=	COLBERT, ELLA		
SUITE 700 HOUSTON, TX 77057			ART UNIT	PAPER NUMBER
			3694	
			MAIL DATE	DELIVERY MODE
			02/18/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Enterth Communication of the provided and the provided of the pro		Application No.	Applicant(s)					
Elia Colbert   3694		09/801,016	LIVESAY ET AL.					
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Excession of time reply a equalise under the provisions of 37 CHT 1/38(i), in to event, however, any reply the imperium of the provisions of 37 CHT 1/38(i), in to event, however, any reply the imperium dependent of the provisions of 37 CHT 1/38(i), in to event, however, any reply the imperium of the other shapes and the provisions of 37 CHT 1/38(i). In a control of this communication, shapes any analytic provision of the correspondence and the provision of the provision of the provision of Claims  4) Claim(s) 1.4 and 131-145 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) Claim(s) is/are allowed.  5) Claim(s) is/are rejected.  7) Claim(s) is/are rejected to.  8) Claim(s) is/are rejected to.  8) Claim(s) is/are rejected to.  8) The gerdification is objected to by the Examiner.  10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing shee(s) including the correction is required if the drawing(s) objected to. See 37 CFR 1.121(d).  11) The drawing(s) filled on is objected to by the Examiner.  Note the drawing object of the priority documents have been received in Application No.    Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.	Oπice Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Exhibitors of time rary to available under the provisions of 37 CFR 1.30(a). In no event, however, may a next be the marked of the communication of the provisions of 37 CFR 1.30(a). In no event, however, may a next be the marked of the communication of rary is specified above, the maximum statutory prodoff way good, and will expire the marked of the communication.  - Failure to reply willin the set of evabrated promotion from the marked date to the communication.  - Failure to reply willin the set of evabrated promotion from the marked date to the communication.  - Failure to reply willin the set of evabrated promotion from the marked date to the communication, even if tendy filed, may reduce any unamend patient term adjustment. See 37 CFR 1.704(b).  - Status  1) □ Responsive to communication(s) filled on 17 November 2009.  2a) □ This action is FINAL. 2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1.4 and 131-145 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5□ □ Claim(s) is/are allowed.  6) □ Claim(s) is/are rejected.  7) □ Claim(s) is/are rejected to 20 claim(s) is/are voluments and from the contraction of the communication of the date of the communication of the		Ella Colbert	3694					
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## **DETAILED ACTION**

1. Claims 1-4 and 131-144 have been renumbered 1-4 and 131-145 are pending.

Claims 1-4 have been amended, claim 15 has been cancelled, and claims now 131-145 have been added in this communication filed 11/17/09 entered as Non-Final Action.

- 2. The claim objections from the prior Non-Final Rejection mailed 04/28/09 have been overcome by Applicants' amendments and convincing arguments and are hereby withdrawn.
- 3. The 35 USC 112, First Paragraph Rejection from the prior Non-Final Rejection mailed 04/28/09 has been overcome by Applicants' reference to paragraphs in the Specification which show support for the rejected claim limitations and the 35 USC 112, First Paragraph Rejection is hereby withdrawn.
- 4. The 35 USC 112, Second Paragraph Rejections from the prior Non-Final Rejection mailed 04/28/09 have been overcome by Applicants' amendments to the claims and cancellation of claim 15 and are hereby withdrawn.

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-4 and 131-140, drawn to a method and a system for obtaining and storing estimated data comprising an initial estimate of a good, a service or combinations thereof required for performance of a portion of the complex project, receiving and storing the actual performance data that comprises an indication of the good, service or combination thereof used for the performance of the complex project, and comparing the

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actual performance data to the estimated data to determine a discrepancy between the actual performance data and the estimated data, classified in class 715, subclass 200.

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II. Claims 141-145, drawn to a method for reconciling a complex transaction to oilfield surfaces between a first party and a second party, classified in class 705, subclass 40.

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions Invention I has obtaining and storing estimated data relating toa good, a service, or a combination thereof required for the performance of a complex project and receiving and storing the actual performance data that comprises an indication of the good, service or combination thereof for performance of the complex project, and comparing the actual performance data to the estimated data to determine the discrepancy between the actual performance data and the estimated data and Invention II is a method for reconciling a complex transaction to oilfield surfaces between a first party and a second party. There is nothing in Invention II relating to a complex transaction.

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions have different

scopes, furthermore they have different modes of operation thus yielding different effects and are not capable of use together for the reason set forth.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C.101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Trammell James can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/ Primary Examiner, Art Unit 3694

February 13, 2010